

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VENETTA HALE,

Plaintiff,

v.

UNITED STATES OF AMERICA
et al.,

Defendants.

Case No. 22-10300
Honorable Shalina D. Kumar
Magistrate Judge Jonathan J.C. Grey

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 49),
GRANTING GOVERNMENT'S MOTION TO DISMISS, AND
DISMISSING CLAIMS AGAINST THE UNITED STATES**

Pro se plaintiff Venetta Hale brings this complaint against the United States, NALC-AFL-CIO Branch No. 3126 ("the Branch"), and Glynis Gilder.¹ ECF No. 1. Hale alleges wrongful termination, defamation, unlawful withholding of back pay, and an assortment of other claims against the United States; two breaches of the duty of fair representation (DFR) against the Branch; and arbitrator misconduct against Gilder. *Id.* The case was

¹ Hale also named the United States Postal Service, Postmaster General Louis DeJoy, Princiera Wilson, Amber Harris, Jeffrey T. Price, and Patrick Fox as defendants ("other federal defendants"). ECF No. 1. The United States filed a notice of substitution for those defendants. ECF No. 32. The Court approved the substitution and the United States became the sole federal defendant. ECF No. 34.

referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 16.

On July 1, 2022, the government filed a motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). ECF No. 33. Hale timely responded to the motion on August 11, 2022. ECF No. 38. The government timely replied on August 15, 2022. ECF No. 41.

On December 27, 2022, the magistrate judge issued a Report and Recommendation (R&R). ECF No. 49. The R&R recommends that the Court **GRANT** the government's motion to dismiss and **DISMISS** Hale's claims against the United States. *Id.*

No party has filed an objection to the R&R. The failure to object to conclusions in the magistrate judge's report releases the Court from its duty to independently review those issues. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court has reviewed the record and **ADOPTS** the R&R as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that the government's motion to dismiss (ECF No. 33) is **GRANTED**.

IT IS FURTHERED ORDERED that Hale's claims against the United States are **DISMISSED**.

Dated: January 20, 2023

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge